

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 03, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ZAKKARIE R. RANDOLPH,

Plaintiff,

v.

YAKIMA COUNTY and YAKIMA  
COUNTY DEPARTMENT OF  
CORRECTIONS,

Defendants.

NO: 1:22-CV-3205-TOR

ORDER OF DISMISSAL

**1915(g)**

By Order filed January 24, 2023, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty days. ECF No. 8. Plaintiff had commenced this action while incarcerated at the Yakima County Jail but was subsequently placed in the custody of the Washington State Department of Corrections. ECF Nos. 1, 5. He is proceeding *pro se* and *in forma pauperis*. ECF No. 7. Defendants have not been served.

1       The Court found that Plaintiff's allegations against Yakima County and the  
2 Yakima County Department of Corrections were insufficient to state a cognizable  
3 claim. *See City of St. Louis v. Praprotnik*, 485 U.S. 112, 121 (1988); *Monell v. New*  
4 *York City Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978); *Pembaur v. City of*  
5 *Cincinnati*, 475 U.S. 469, 479-81 (1986); *see also Nolan v. Snohomish County*, 802  
6 P.2d 792, 796 (Wash. Ct. App. 1990) ("[I]n a legal action involving a county, the  
7 county itself is the only legal entity capable of suing and being sued."); *Melendres*  
8 *v. Arpaio*, 784 F.3d 1254, 1260 (9th Cir. 2015) .

9       The Court cautioned Plaintiff that if he failed to amend his complaint to state  
10 a claim upon which relief may be granted, the action would be dismissed, and such  
11 dismissal would count as one under 28 U.S.C. § 1915(g). ECF No. 8 at 11. Plaintiff  
12 did not amend as directed and has filed nothing further in this action.

13       **ACCORDINGLY, IT IS ORDERED:**

14       1. The claims asserted in Plaintiff's Complaint, ECF No. 1, are **DISMISSED**  
15       **with prejudice.**

16       2. This dismissal will count as a "strike" under 28 U.S.C. § 1915(g).

17       3. Plaintiff's *in forma pauperis* status is hereby **REVOKED**.


18       4. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of  
19       this Order would not be taken in good faith and would lack any arguable  
20       basis in law or fact.

1 5. The Clerk of Court is further directed to forward a copy of this Order to the  
2 Office of the Attorney General of Washington, Criminal Justice Division.

3 The Clerk of Court is directed to enter this Order and Judgment accordingly,  
4 forward copies to Plaintiff at his last known address, and **CLOSE** the file.

5 **DATED April 3, 2023.**



  
THOMAS O. RICE  
United States District Judge